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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DANIEL DONOHUE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:11-cv-05337 RMW

**CLASS ACTION**

**JOINT STIPULATION FOR  
EXTENSION OF TIME TO FILE  
AMENDED COMPLAINT; []  
ORDER**

**[N.D. CAL. CIVIL LR 6-2]**

Judge: Hon. Ronald M. Whyte  
Complaint Filed: November 3, 2011  
Trial Date: None

1 Pursuant to Northern District Local Rules 6-1(b) and 6-2(a), plaintiff and defendant Apple  
2 Inc. ("Apple"), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, on May 10, 2012, the Court entered an order granting Apple's motion to  
4 dismiss, and ordering plaintiff to file a Second Amended Complaint ("SAC") on or before June  
5 11, 2012;

6 WHEREAS, the Court has granted the parties' stipulated requests to extend plaintiff's  
7 time to file the SAC (Dkt. Nos. 51, 53);

8 WHEREAS, the SAC is currently due to be filed on August 1, 2012 (Dkt. No. 53);

9 WHEREAS, the parties have met and conferred, and have scheduled a mediation of this  
10 dispute on August 24, 2012, with Catherine A. Yanni, Esq. of JAMS;

11 WHEREAS, the parties agree that, in light of the scheduled mediation, a further extension  
12 of plaintiff's time to file the SAC will serve the interest of judicial economy and efficiency;

13 WHEREAS, the parties also agree to extend Apple's time to plead or otherwise respond to  
14 the SAC;

15 WHEREAS, this stipulation will not otherwise effect or alter any deadline set by this  
16 Court;

17 WHEREAS, if the mediation is unsuccessful the parties require additional time to resolve  
18 issues regarding modifications to the existing protective order and to complete negotiations  
19 regarding certain discovery relevant to the filing of a SAC, including discovery designated by  
20 Apple as highly confidential.

21 NOW THEREFORE, the parties stipulate as follows:

- 22 1. Plaintiff's time to file the SAC is extended to and including September 21, 2012.
- 23 2. Apple's time to plead or otherwise respond to the SAC is extended to and  
24 including October 19, 2012.
- 25 3. Plaintiff's opposition to any threshold motions responding to the SAC shall be  
26 filed on or before November 16, 2012.
- 27 4. Apple's reply brief shall be filed on or before December 7, 2012.

1           5.       A hearing on Apple's threshold motions, if any, shall be set for December 21,  
2                   2012 at 9:00 a.m.

3           6.       Apple is not obligated to answer the SAC until after the Court rules on any  
4                   threshold motions.

5       Dated: July 26, 2012

PENELOPE A. PREVOLOS  
STUART C. PLUNKETT  
SUZANNA P. BRICKMAN  
MORRISON & FOERSTER LLP

8                   By: /s/ Penelope A. Preovolos  
9                               Penelope A. Preovolos

10                               *Attorneys for Defendant*  
APPLE INC.

11       Dated: July 26, 2012

KATHRYN DIEMER  
DIEMER, WHITMER & CARDOSI LLP

12                   KEVIN ENG  
13                   EDWARD ZUSMAN  
14                   MARKUN ZUSMAN & COMPTON LLP

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19                   By: /s/ Kathryn Diemer  
20                               Kathryn Diemer

21                               *Attorneys for Plaintiff*  
22                               DANIEL DONOHUE

23           I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file  
24           this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on  
25           file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this  
26           efiled document.

27                   By: /s/ Penelope A. Preovolos  
28                               Penelope A. Preovolos

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 1 1 11

  
Hon. Ronald M. Whyte  
United States District Judge